IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.767 of 2005

Between:

Kandula Venkata Subba Rao, S/o. Rayudu,
R/o. Bazar Street, Gurramkonda Village & Post, Chittoor District.

..... PETITIONER

AND

1 The District Collector, Chittoor, Chittoor District.
2 The Joint Collector-cum-Settlement Officer, Chittoor District,

Chittoor.
3 The Mandal Revenue Officer, Gurramkonda Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a direction or an order, or a writ more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in taking over the lands in Sy.No. 29/1 in an extent of Ac.0.75½ and Ac.0.75½ and in Sy.No. 122 in Ac.7.02 of Chittiboyinapalle Village of Gurramkonda Mandal, Chittoor District as illegal, arbitrary and unconstitutional and consequently direct the respondents not to take over the lands in Sy.No. 29/1 in an extent of Ac.0.75½ and Ac.0.75½ and in Sy.No. 122 in Ac.7.02 of Chittiboyinapalle Village of Gurramkonda Mandal, Chittoor District of the petitioner.

Counsel for the Petitioner: MR.S.S.BHATT

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 767 of 2005

O r d e r:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue for the respondents.

The petitioner claims that he having purchased an extent of Ac. 0.75½ cents of land in Sy. No. 29/1 and Ac. 0.75½ cents of land in Sy. No. 122 out of Ac.7.02 cents of land in Chittiboyinapalle village of Gurramokonda Mandal, Chittoor District, under registered sale deeds, is in continuous possession and enjoyment of the same. He states that the lands are not inam lands and that the provisions of the A.P. Estates Abolition Act, 1948 are not applicable to the lands, and that this is also evident from the fact that the proceedings dated 12-5-1999 of the Assistant Settlement Officer, Chittoor, declaring the lands as inam lands, were set aside by orders dated 17-10-1960 passed by the District Court, Chittoor, in A.S. No. 37 of 1959. The petitioner states that while he is in possession and enjoyment of the lands, the respondents without issuing any notice and without following the due process of law, sought to dispossess him from the lands, and distribute the same to landless poor persons on 26-1-2005. It is this action of the respondents, which the petitioner seeks to assail in this writ petition.

A reading of the writ affidavit would disclose that proceedings against the vendor of

the petitioner under the Inams Estates Abolition Act, 1948 are pending in S.R. No. 324/15(1)/82 on the file of the 2nd respondent-Joint Collector-cum-Settlement Officer, Chittoor District, and this apart, though he filed a suit in O.S. No. 176 of 1998 on the file of the District Munisf, Vayalpad, seeking declaration of his right and title over the lands and obtained injunction restraining the Government from interfering with his possession, the fact remains that the suit itself was dismissed for non-prosecution, and to set aside the said order, he filed an application in I.A. No. 1073 of 2002, which is coming up for hearing on 29-3-2005.

Inasmuch as proceedings against the vendor of the petitioner under the Estates Abolition Act, 1948, the contention of the petitioner that the lands in his possession and enjoyment are not inam lands cannot be accepted, and likewise the contention of the petitioner that he is the owner of the lands also cannot be accepted, for the reason that the suit filed by him for declaration of his right and title over the lands, was dismissed for default. And inasmuch as to set aside the order, dismissing the suit for default, he had already filed an application, which is coming up for hearing on the file of the District Munsif, Vayalpad, on 29-3-2005, no interference is called for with the impugned action of the respondents, and more so when it is always open to the petitioner to agitate his grievance in the application that is pending and coming up for hearing before the District Munsif, Vayalpad, on 29-3-2005.

In the result, the writ petition has no merit, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 1st February, 2005.

KSR

To

1 The District Collector, Chittoor, Chittoor District.
2 The Joint Collector-cum-Settlement Officer, Chittoor District,

Chittoor.
3 The Mandal Revenue Officer, Gurramkonda Mandal, Chittoor District.

4 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

5 2 CD copies

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